

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/19/19

IN RE: ACTOS DIRECT PURCHASER  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Master File No. 1:15-cv-03278-RA

**[~~PROPOSED~~] ORDER GRANTING DIRECT PURCHASER PLAINTIFFS  
LEAVE TO FILE AMENDED COMPLAINT**

WHEREAS, on November 16, 2017, the direct purchaser plaintiffs filed a Third Consolidated Class Action Complaint (the "Consolidated Complaint");

WHEREAS, on October 8, 2019, this Court entered an Opinion and Order resolving motions to dismiss filed with respect to the Consolidated Complaint and dismissing Counts II through VIII of the Consolidated Complaint, which included all claims against Mylan, Inc., Mylan Pharmaceuticals, Inc., Actavis plc, Watson Laboratories, Inc., Ranbaxy Laboratories Limited, Ranbaxy Inc., Ranbaxy Pharmaceuticals, Inc., Sun Pharmaceutical Industries Limited (the "Generic Defendants");

WHEREAS, on October 22, 2019, the direct purchaser plaintiffs filed a Motion for Leave to Amend Complaint or, in the Alternative Add a Party (ECF No. 137) (the motion to amend), and attached to their motion a proposed fourth consolidated class action complaint and jury demand (ECF No. 138-1);

WHEREAS, on October 24, 2019, this Court entered an order on consent (ECF No. 143) providing that the defendants would have a period of ten (10) days after the motion to amend was resolved and the operative complaint set within which to answer the complaint;

WHEREAS, on November 11, 2019, this Court entered an order directing the parties to confer on a revised form of order on the motion to amend and resubmit a proposed order to the Court.

NOW, THEREFORE, it is hereby ORDERED that

1. The direct purchaser plaintiffs are permitted to file the fourth consolidated class action complaint and jury demand in the form attached as Exhibit A to their motion to amend (ECF No. 138-1), and shall do so within three (3) days of the entry of this Order;


2. Takeda Pharmaceutical Company Limited, Takeda America Holdings, Inc., Takeda Pharmaceuticals U.S.A., Inc., and Takeda Development Center Americas, Inc. (collectively Takeda) shall answer the fourth consolidated class action complaint within twenty (20) days of its filing;

3. This Court's opinion and order of October 8, 2019 (ECF No. 131) shall apply to all claims and parties in the fourth consolidated class action complaint, and pursuant to that opinion and order and for the reasons set forth therein, Counts II through VIII of the fourth consolidated class action complaint are hereby dismissed (the "Dismissed Counts");

4. Takeda shall have no obligation to respond to the Dismissed Counts;

5. Generic Defendants shall have no obligation to respond to the fourth consolidated class action complaint.

Dated: November 19, 2019

Honorable Ronnie Abrams United States District Judge
---